

and the Texas Workers' Compensation Commission shall enter into an interagency contract under Chapter 771 to pay the costs incurred by the office in implementing this subsection.

ARTICLE 4. MISCELLANEOUS PROVISIONS

SECTION 4.01. The changes in law made by this Act to Chapter 2003, Government Code, and Sections 407.046, 411.049(b), 413.031(d), and 415.034, Labor Code, apply only to a hearing that begins on or after January 1, 1996. A hearing held before or pending on January 1, 1996, is governed by the law in effect immediately before September 1, 1995, and that law is continued in effect for that purpose.

SECTION 4.02. This Act takes effect September 1, 1995.

SECTION 4.03. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on March 9, 1995, by a non-record vote; the House concurred in Senate amendments on May 26, 1995, by a non-record vote; passed by the Senate, with amendments, on May 3, 1995, by a viva-voce vote.

Approved June 16, 1995.

Effective September 1, 1995.

CHAPTER 981

H.B. No. 1125

AN ACT

relating to the forced sale of a co-owner's interest in certain real property.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Title 4, Property Code, is amended by adding Chapter 29 to read as follows:

CHAPTER 29. FORCED SALE OF OWNER'S INTEREST IN CERTAIN REAL PROPERTY AS REIMBURSEMENT FOR PROPERTY TAXES PAID BY CO-OWNER ON OWNER'S BEHALF

Sec. 29.001. APPLICATION OF CHAPTER. This chapter applies only to real property that is:

- (1) received by a person as a result of the death of another person:*
 - (A) by inheritance;*
 - (B) under a will;*
 - (C) by a joint tenancy with a right of survivorship; or*
 - (D) by any other survivorship agreement in which the interest of the decedent passes to a surviving beneficiary other than an agreement between spouses for community property with a right of survivorship; and*
- (2) not exempt from forced sale under the constitution or law of this state.*

Sec. 29.002. PETITION FOR FORCED SALE. (a) A person who owns an undivided interest in real property to which this chapter applies may file in the district court in a county in which the property is located a petition for a court order to require another owner of an undivided interest in that property to sell the other owner's interest in the property to the person if:

- (1) the person has paid the other owner's share of ad valorem taxes imposed on the property for any three years in a five-year period; and*

(2) the other owner has not reimbursed the person for more than half of the total amount paid by the person for the taxes on the owner's behalf.

(b) The petition must contain:

- (1) a description of the property;
- (2) the name of each owner of the property;
- (3) the interest held by each owner of the property;
- (4) the total amount paid by the petitioner for the defendant's share of ad valorem taxes imposed on the property; and
- (5) if applicable, the amount paid by the defendant to the petitioner to reimburse the petitioner for paying the defendant's share of ad valorem taxes imposed on the property.

Sec. 29.003. **HEARING ON PETITION FOR FORCED SALE.** At a hearing on a petition filed under Section 29.002, the petitioner must prove by clear and convincing evidence that:

- (1) the petitioner has paid the defendant's share of ad valorem taxes imposed on the property that is the subject of the petition for any three years in a five-year period;
- (2) before the date on which the petition was filed the petitioner made a demand that the defendant reimburse the petitioner for the amount of the defendant's share of ad valorem taxes imposed on the property paid by the petitioner; and
- (3) the defendant has not reimbursed the petitioner more than half of the amount of money the petitioner paid on the defendant's behalf for the defendant's share of ad valorem taxes imposed on the property.

Sec. 29.004. **COURT-ORDERED SALE.** On completion of the hearing on a petition filed under Section 29.002, if the court is satisfied that the petitioner has made the requisite proof under Section 29.003, the court shall enter an order that divests the defendant's interest in the real property that is the subject of the petition and that orders the petitioner to pay to the defendant an amount computed by subtracting the outstanding amount of money the defendant owes to the petitioner for payment of the defendant's share of ad valorem taxes imposed on the property from the fair market value of the defendant's interest in the property as determined by an independent appraiser appointed by the court. The court's order may also direct the defendant to execute and deliver to the petitioner a deed that conveys to the petitioner the defendant's interest in the property.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 12, 1995, by a non-record vote; passed by the Senate on May 27, 1995: Yeas 31, Nays 0.

Approved June 16, 1995.

Effective August 28, 1995, 90 days after date of adjournment.

CHAPTER 982

H.B. No. 1765

AN ACT

relating to the regulation of the fitting and dispensing of hearing instruments.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.01, Vernon's Texas Civil Statutes), is amended by amending Subdivisions (3) and (13) and adding Subdivisions (14) and (15) to read as follows: